

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VLINGO CORP.,	)	
	)	
Plaintiff,	)	Civil Action No.:
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
NUANCE COMMUNICATIONS, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiff Vlingo Corp. (“Vlingo”) hereby pleads the following claims for patent infringement against defendant Nuance Communications, Inc. (“Nuance”):

**THE PARTIES**

1. Vlingo is a Delaware corporation having a principal place of business at 17 Dunster Street, Cambridge, Massachusetts 02138.
2. Nuance is a Delaware corporation having a principal place of business at 1 Wayside Road, Burlington, Massachusetts 01803.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement brought under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*, including § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. This Court has personal jurisdiction over Nuance which is a Delaware corporation that, upon information and belief, has done business generally, and has committed, and continues to commit, acts of patent infringement, in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(a) and 1400(b) because Nuance is a Delaware corporation and has done business generally and committed acts of patent infringement herein.

**COUNT I**

(U.S. Patent No. 5,956,681)

6. Vlingo hereby incorporates the allegations of paragraphs 1-5 above as if set forth fully herein.

7. Vlingo is the owner by assignment of all rights, title and interest in and to United States patent number 5,956,681 (“the ‘681 patent”) that was duly and legally issued on September 21, 1999. A copy of the ‘681 patent is attached as Exhibit A.

8. Vlingo is informed and believes, and thereon alleges, that Nuance has infringed and is currently infringing the ‘681 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering for sale and/or importing its speech recognition products and services, including but not limited to certain Internal Dialer, NVC Auto, Dictaphone Enterprise Speech System and/or Medical Mobile offerings, within this judicial district and elsewhere in the United States without authority or license from Vlingo. Nuance has also infringed, and continues to infringe, the ‘681 patent by actively inducing infringement and/or contributorily infringing the ‘681 patent. Nuance is therefore liable to Vlingo under 35 U.S.C. § 271.

9. Nuance’s acts of infringement have caused harm, reparable and irreparable to Vlingo, and Vlingo is entitled to recover damages from Nuance in an amount yet to be determined and subject to proof at trial.

10. Unless enjoined, Nuance will continue to infringe the '681 patent causing irreparable harm to Vlingo. As a result, Vlingo is entitled to an injunction against Nuance pursuant to 35 U.S.C. § 285.

**COUNT II**

(U.S. Patent No. 6,563,911)

11. Vlingo hereby incorporates the allegations of paragraphs 1-5 above as if set forth fully herein.

12. Vlingo is the owner by assignment of all rights, title and interest in and to United States patent number 6,563,911 ("the '911 patent") that was duly and legally issued on May 13, 2003. A copy of the '911 patent is attached as Exhibit B.

13. Vlingo is informed and believes, and thereon alleges, that Nuance has infringed and is currently infringing the '911 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering for sale and/or importing its speech recognition products and services, including but not limited to certain Internal Dialer, NVC Auto, Dictaphone Enterprise Speech System and/or Medical Mobile offerings, within this judicial district and elsewhere in the United States without authority or license from Vlingo. Nuance has also infringed, and continues to infringe, the '911 patent by actively inducing infringement and/or contributorily infringing the '911 patent. Nuance is therefore liable to Vlingo under 35 U.S.C. § 271.

14. Nuance's acts of infringement have caused harm, reparable and irreparable to Vlingo, and Vlingo is entitled to recover damages from Nuance in an amount yet to be determined and subject to proof at trial.

15. Unless enjoined, Nuance will continue to infringe the '911 patent causing irreparable harm to Vlingo. As a result, Vlingo is entitled to an injunction against Nuance pursuant to 35 U.S.C. § 285.

**COUNT III**

(U.S. Patent No. 6,606,611)

16. Vlingo hereby incorporates the allegations of paragraphs 1-5 above as if set forth fully herein.

17. Vlingo is the owner by assignment of all rights, title and interest in and to United States patent number 6,606,611 ("the '611 patent") that was duly and legally issued on August 12, 2003. A copy of the '611 patent is attached as Exhibit C.

18. Vlingo is informed and believes, and thereon alleges, that Nuance has infringed and is currently infringing the '611 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering for sale and/or importing its speech recognition products and services, including but not limited to certain Internal Dialer, NVC Auto, Dictaphone Enterprise Speech System and/or Medical Mobile offerings, within this judicial district and elsewhere in the United States without authority or license from Vlingo. Nuance has also infringed, and continues to infringe, the '611 patent by actively inducing infringement and/or contributorily infringing the '611 patent. Nuance is therefore liable to Vlingo under 35 U.S.C. § 271.

19. Nuance's acts of infringement have caused harm, reparable and irreparable to Vlingo, and Vlingo is entitled to recover damages from Nuance in an amount yet to be determined and subject to proof at trial.

20. Unless enjoined, Nuance will continue to infringe the '611 patent causing irreparable harm to Vlingo. As a result, Vlingo is entitled to an injunction against Nuance pursuant to 35 U.S.C. § 285.

**COUNT IV**

(U.S. Patent No. 6,671,354)

21. Vlingo hereby incorporates the allegations of paragraphs 1-5 above as if set forth fully herein.

22. Vlingo is the owner by assignment of all rights, title and interest in and to United States patent number 6,671,354 ("the '354 patent") that was duly and legally issued on December 30, 2003. A copy of the '354 patent is attached as Exhibit D.

23. Vlingo is informed and believes, and thereon alleges, that Nuance has infringed and is currently infringing the '354 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering for sale and/or importing its speech recognition products and services, including but not limited to certain Internal Dialer, NVC Auto, Dictaphone Enterprise Speech System and/or Medical Mobile offerings, within this judicial district and elsewhere in the United States without authority or license from Vlingo. Nuance has also infringed, and continues to infringe, the '354 patent by actively inducing infringement and/or contributorily infringing the '354 patent. Nuance is therefore liable to Vlingo under 35 U.S.C. § 271.

24. Nuance's acts of infringement have caused harm, reparable and irreparable to Vlingo, and Vlingo is entitled to recover damages from Nuance in an amount yet to be determined and subject to proof at trial.

25. Unless enjoined, Nuance will continue to infringe the '354 patent causing irreparable harm to Vlingo. As a result, Vlingo is entitled to an injunction against Nuance pursuant to 35 U.S.C. § 285.

**COUNT V**

(U.S. Patent No. 6,813,603)

26. Vlingo hereby incorporates the allegations of paragraphs 1-5 above as if set forth fully herein.

27. Vlingo is the owner by assignment of all rights, title and interest in and to United States patent number 6,813,603 ("the '603 patent") that was duly and legally issued on November 2, 2004. A copy of the '603 patent is attached as Exhibit E.

28. Vlingo is informed and believes, and thereon alleges, that Nuance has infringed and is currently infringing the '603 patent in violation of 35 U.S.C. § 271 by, among other things, making, using, selling, offering for sale and/or importing its speech recognition products and services, including but not limited to certain Internal Dialer, NVC Auto, Dictaphone Enterprise Speech System and/or Medical Mobile offerings, within this judicial district and elsewhere in the United States without authority or license from Vlingo. Nuance has also infringed, and continues to infringe, the '603 patent by actively inducing infringement and/or contributorily infringing the '603 patent. Nuance is therefore liable to Vlingo under 35 U.S.C. § 271.

29. Nuance's acts of infringement have caused harm, reparable and irreparable to Vlingo, and Vlingo is entitled to recover damages from Nuance in an amount yet to be determined and subject to proof at trial.

30. Unless enjoined, Nuance will continue to infringe the '603 patent causing irreparable harm to Vlingo. As a result, Vlingo is entitled to an injunction against Nuance pursuant to 35 U.S.C. § 285.

**PRAYER FOR RELIEF**

WHEREFORE, Vlingo requests that the Court:

A. Enter judgment that Nuance has infringed the '681, '911, '611, '354 and '603 patents as aforesaid;

B. Preliminarily and permanently enjoin Nuance, its affiliates, subsidiaries, directors, officers, employees, attorneys, agents and all other person in active concert or participation with any of them from further acts of infringement, direct and indirect, of the '681, '911, '611, '354 and '603 patents;

C. Order Nuance to pay Vlingo damages in an amount adequate to compensate Vlingo for Nuance's acts of infringement, but in no event less than a reasonable royalty as provided for in 35 U.S.C. § 284;

D. Order Nuance to provide an accounting;

E. Award Vlingo its attorneys fees, costs and expenses pursuant to 35 U.S.C. § 285, and

F. Award Vlingo such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Vlingo hereby demands a jury trial on all issues so triable.

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